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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,781	01/20/2002	Sasisekharan Raguram	BAY-031	4254
7590		10/31/2007		
Wilson & Ham PMB: 348 2530 Berryessa Road San Jose, CA 95132			EXAMINER NAWAZ, ASAD M	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/053,781

Applicant(s)

RAGURAM

Examiner

Asad M. Nawaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7, 16-19 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 16-19 and 24-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to the amendment received 8/06/07. Claims 28-33 were newly added. No other claims have been added, amended, or canceled. Accordingly, claims 1-7, 16-19, and 24-33 are pending.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 29, 31, and 33 recite the limitation "the same two nodes" in line 2. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-7, 16-19 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ash et al (US Patent 6,778,535) hereinafter Ash further in view of Seddigh et al (US Patent 6,973,035) hereinafter Seddigh.

As to claim 1, Ash et al teaches a method comprising: routing a set-up message to a plurality of nodes in a transport network, wherein said set-up message reserves network resources for a plurality of different traffic paths (a path is simply a subset of a

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larger reserved path, see Fig 3) through said at least one transport network as said set-up message visits each of said plurality of nodes; (a check is made, in response to a determination of a path, whether each link in the path has available resources for the connection request, Abstract; col 2, lines 5-12; col 3, lines 3-45; col 5, lines 35-53)

and routing said set-up message to said plurality of nodes in said transport network, wherein said set-up message provisions network resources for said plurality of different traffic paths through at least one said transport network as said set-up message revisits each of said plurality of nodes. (The source node routes Setup messages to intermediate nodes and the resources are provisioned as the nodes are all revisited; Abstract; col 2, lines 5-12; col 3, lines 3-45; col 5, lines 35-53)

However, Ash does not explicitly indicate that the reserved network resources are provisioned only if all of the resources needed for the plurality of different traffic paths through said at least one transport network have been successfully reserved.

Seddigh teaches the reserved network resources for said plurality of different traffic paths through said at least one transport network are provisioned only if all of the resources needed for each traffic path of the plurality of traffic paths have been successfully reserved (a handshake involving the Path message for reservations in one direction and the RESV message is transmitted on a per-hop basis back to the sender. If this is successful, the sender can provision the resources/services. Otherwise, the resources are not provisioned and usually signaled via a PATH\_ERR message; col 3, line 62 to col 4, line 15)

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It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Seddigh into those of Ash to make the system efficient. By reserving the resources and provisioning them only once the entire set of paths is reserved would greatly reduce, if not eliminate, a termination of a session between a source and destination pair due to insufficient availability of resources.

As to claim 2, Ash et al teaches the method of claim 1 wherein at least one of said plurality of different traffic paths through said at least one transport network is a working path and wherein at least one of said plurality of different traffic paths through said at least one transport network is a protection path for said working path. (col 3, lines 3-46)

As to claim 3, Ash et al teaches the method of claim 1 wherein said set-up message revisits each of said plurality of nodes in the reverse order in which said set-up message visits each of said plurality of nodes. (Abstract; Fig 2, col 3, lines 15-33)

As to claim 4, Ash et al teaches the method of claim 1 wherein said transport network is a mesh network. (Fig 3, col 3, lines 33-46)

As to claim 5, Ash et al teaches the method of claim 1 wherein said transport network is a ring network. (Fig 2, col 3, lines 3-32)

As to claim 6, Ash et al teaches the method of claim 1 wherein at least one of said plurality of traffic paths is a multicast traffic path. (abstract; It is known that connection-oriented link layers, such as ATM, as taught by Ash et al, have built-in mechanisms for "point-to-multipoint" or "multipoint-to-multipoint" connections.)

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As to claim 7, Ash teaches the method of claim 1, however, Ash does not explicitly indicate that some nodes are in a first network while others are in another.

Seddigh teaches that some nodes belong to a first network while others reside in another (Figs 1-3 and col 1, lines 40-50, multiple carriers and a framework comprising a plurality of domains each of which is a set of is a set of contiguous DS-compliant networks containing DS-compliant nodes.).

It would have been obvious to one of ordinary skill in the art at the time of the invention to traverse a path through a number of different types of networks, whether they are a mesh network, ring network, use TCP/IP, etc. Numerous existing networking infrastructure enable one to employ nodes belonging to different transport networks without the need for additional work by the client.

Claims 16-19 and 24-27 contain similar limitations as the above-mentioned claims and are thus rejected under similar rationale.

As to claim 28, Ash teaches the method of claim 1 wherein each different traffic path through said at least one transport network is a multi-hop path that comprises a different set of nodes (col 2, lines 15-32).

As to claim 29, Ash teaches the method of claim 1 wherein at least two of the different traffic paths through said at least one transport network connect the same two nodes via different sets of intermediate nodes (col 2, lines 15-32).

Claims 30-33 contain similar limitations as the above-mentioned claims and are thus rejected under similar rationale.

***Response to Arguments***

6. Applicant's arguments filed have been fully considered but they are not persuasive. In substance, the applicant argues that A) Ash does not teach or suggest reserving network resources B), Ash teaches away from provisioning the reserved resources for said at least one transport network only if all of the resources needed for each traffic path of the plurality of different traffic paths through said at least one transport network have been successfully reserved C), Ash does not teach or suggest a set-up message that provisions reserved resources as the set-up message revisits nodes.

7. In response to A), Ash teaches in col 4, lines 26 to 67 and also claimed in the independent claims that there are reservation levels. Ash teaches the use of these reservation levels to determine that a link/path can be reserved. Accordingly, the path is reserved for provisioning.

In response to B), it should be first noted that this limitation was not taught by Ash singly. Rather a combination between Ash and Seddigh was proposed. Secondly, the definition of a traffic path must be set clear. A traffic path is a path between two nodes. These two nodes need not be end nodes or destination nodes for this path to exist. Therefore, accordingly, Ash in view of Seddigh still meet the scope of the limitation as currently claimed. It should also be noted that the limitation "for each of multiple different traffic paths through a transport network..." does not appear anywhere in the claims. These limitations are not found in the claims. Claimed subject matter not the specification is the measure of the invention. Disclosure contained in the

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specification cannot be read into the claims for the purpose of avoiding prior art. In re Sporck, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1986); In re Self, 213 USPQ 1, 5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978).

In response to C), in accordance with the explanation given in claim 1, once a path is considered sufficient, it is reserved (or as argued by applicant checked). Any further visitation of the node to provision its resources is considered a revisit. No order of revisit has been set forth with the claims. Therefore, Ash still meets the scope of the limitations as currently claimed.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMN



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER